



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Civil Division

400 City Hall

15 West Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: 651 266-8710

Facsimile: 651 298-5619

March 3, 2017

NOTICE OF INTENT TO SUSPEND LICENSES

Juana Gallegos-Ontiveros, Owner
La Cabana Restaurant
863 – 7th Street East
St. Paul, MN 55106

RE: All licenses held by La Cabana Restaurant, Inc. d/b/a La Cabana Restaurant for the premises located at 863 – 7th Street East in Saint Paul.
License ID #: 20040004015

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against all licenses held by La Cabana Restaurant, Inc. d/b/a La Cabana Restaurant for the premises located at 863 – 7th Street East in Saint Paul. The basis for the recommendation is as follows:

On February 24, 2017, the Department of Safety and Inspections (DSI) received a letter from Badger Mutual Insurance stating that your liquor liability insurance was re-issued effective January 31, 2017. As a result, you had a lapse in liquor liability coverage from January 28, 2017 to January 31, 2017.

Saint Paul Legislative Code § 409.065 states: “No license under this chapter may be issued, maintained or renewed unless the licensee or applicant therefor complies with the insurance requirements imposed by Minn. Stat. § 340A.409. Such insurance coverage shall comply with the requirements of Minn. Stat. § 340A.409 and Chapters 7 and 8 of this Legislative Code. “

You are required to hold current liquor liability insurance without a lapse in coverage in order to continue operating your business. Therefore, as a result of this lapse, per Saint Paul Legislative Code § 409.26 (b) (12), the licensing department will recommend a ten (10) day suspension of your licenses.

At this time, you have three (3) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Monday, March 13, 2017**, I will presume that you have chosen to contest the proposed adverse action, and the matter will be placed on the next available City Council Consent agenda for approval of the proposed remedy.

2. If you wish to admit the facts but you contest the penalty, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing. I will need to receive your letter by **Monday, March 13, 2017**. The matter will then be scheduled before the City Council to determine whether to suspend your licenses for ten (10) days. You will have an opportunity to appear before the Council and make a statement on your own behalf.
3. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **Monday, March 13, 2017**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

If you have not contacted me by Monday, March 13, 2017, I will assume that you do not contest the ten (10) day suspension of your licenses. In that case, the matter will be placed on the next available City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please feel free to contact me at 266-8710.

Sincerely,



Therese Skarda
Assistant City Attorney

cc Juana Gallegos, 8176 Bloomington Avenue, Bloomington, MN 55425
Deanna Abbott-Foster, Executive Director, Dayton's Bluff District 4 Community Council
East Side Enterprise Center, 804 Margaret Street, St. Paul, MN 55106

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

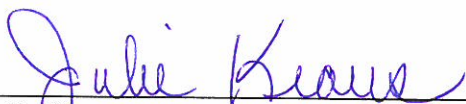
Julie Kraus, being first duly sworn, deposes and says that on the 3rd day of March she served the attached **NOTICE OF INTENT TO SUSPEND LICENSES** and a correct copy thereof in an envelope addressed as follows:

Juana Gallegos-Ontiveros, Owner
La Cabana Restaurant
863 – 7th Street East
St. Paul, MN 55106


Juana Gallegos
8176 Bloomington Avenue
Bloomington, MN 55425

Deanna Abbott-Foster, Executive Director
Dayton's Bluff District 4 Community Council
East Side Enterprise Center
804 Margaret Street
St. Paul, MN 55106

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.


Julie Kraus

Subscribed and sworn to before me
this 3rd day of March, 2017


Notary Public

